EIGHTH EDITION,

With ADDITIONS,

OF THE

CASE

AND

MEMOIRS

OF THE LATE

Rev. Mr. JAMES HACKMAN,

And of his Acquaintance with the late

Miſs MARTHA REAY.

[Price One Shilling.]

BIBLIOTHECA BODLEIANA

The Rev.d JAMES HACKMAN

Published by G. Kearsly in Fleet Street April 24 1779.

THE CASE AND MEMOIRS OF THE LATE Rev. Mr. JAMES HACKMAN,

And of his Acquaintance with the late

Miſs MARTHA REAY:

With a Commentary on his Conviction, diſtinguiſhing between his Crime in particular, and that of others who have been condemned for MURDER.

AND ALSO,

Some Thoughts on Lunacy and Suicide.

Dedicated to LORD S——.

To which is added,

A LETTER to Lord S—— and Miſs REAY.

WITH

AN APPENDIX,

On the ill Effects of Public Offices of Juſtices of the Peace.

The EIGHTH EDITION,
With ADDITIONS.

LONDON:

Printed for G. KEARSLY, near Serjeants-Inn, Fleet-ſtreet. 1779.

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ADVERTISEMENT
To the EIGHTH EDITION.

THERE being ſome doubts with the public of the authenticity of this pamphlet, the author (who is a gentleman, and wiſhes to preſerve that character inviolate) thinks it neceſſary to declare that all the facts contained in it are genuine, as he will teſtify and explain, if neceſſary, on an application to him at Mr. Kearſly's. His only motive for publiſhing them, with reflections moral and philoſophical, was in order to place Mr. Hackman's conduct and connexion with Miſs Reay in a true light, and to oblige that gentleman's ſurviving family, with whom, though at firſt unknown as the author of the pamphlet, he is well acquainted, and to whom he has ſince explained himſelf. He hopes therefore that his numerous readers will not now ſuppoſe that he has obtruded any thing on the public, with *intent* to catch the penny of curioſity at the expence of truth and candour.

DEDICATION.

TO

LORD S———.

My Lord,

WITH a view to prevent impoſition by any ſpurious edition of the caſe and hiſtory of the late Mr. Hackman, *and in order to eradicate and remove all prejudices and reflections from his memory, your Lordſhip is preſented with the following pages, the contents whereof are authentic, becauſe they are taken from the mouth of Mr.* Hackman *while in confinement, and reduced to writing by a perſon who not only knew him, and reſpected his very amiable and fair character, but who is alſo well acquainted with a part of his family, particularly his brother-in-law, a gentleman whoſe reputation will receive no luſtre by compliment.*

Your

Your Lordſhip may perhaps make ſome diſcoveries in theſe ſheets, and not be ſurpriſed that the publick look down indignantly on Signora G———, *who, after beneſiting by the bounty and liberality of Mr.* Hackman, *in the moſt mercenary way, excited his deſpair and grief; and in the hour of Miſs* Reay's *death affected not to know him. There is a myſtery in her behaviour by him which requires an explanation. If ſhe acted under your* L——*p's direction, (which one would hope, for the ſake of your name, were otherwiſe) ſhe may be ſomewhat excuſed; but, in any other ſenſe, her conduct ſpeaks nothing in her favour.*

In theſe memoirs, however, your Lordſhip will find enough to excite your compaſſion, without adverting immediately to the part, ſuch as it may be, which ſhe has acted between your Lordſhip, Miſs Reay, *or Mr.* Hackman. *The author of them knows them to be true; and, while ſenſible of the effect they have had, and ſtill may have, on your Lordſhip's mind, he feels almoſt equally with you thereupon; as he does alſo on the diſtreſs of Mr.* Macnamara, *the gentleman on whoſe arm Miſs* Reay *was*

leaning when ſhot; and the ſufferings of Mr. Hackman's *ſurviving friends and relations.*

In all humble, but ſincere hopes, that they and your Lordſhip may ſpeedily recover from that grief natural to your reſpective ſituations, and be again yourſelves,

I am, obediently and devotedly,

Your moſt humble Servant,

THE AUTHOR.

THE

CASE

AND

MEMOIRS, &c.

THE unfortunate Gentleman who is the ſubject of theſe Memoirs, was born at Goſport, in the county of Hampſhire, of very reſpectable parents. After giving him a good and general education, they apprenticed him to a mercer of that town, with whom he ſerved out part of his time; but as he was of too liberal a ſpirit to purſue fortune in the character of a tradeſman, and as he was entitled to a handſome patrimony, he perſuaded his parents to buy him, at the age of about nineteen, an Enſigncy in a regiment of foot, which they accordingly did in the 68th, and he appeared much more at home (to uſe a theatrical expreſſion) in the garb and buſineſs of a military officer, than in meaſuring ſilk behind a mercer's counter. Soon after he obtained his commiſſion he was quartered on a recruiting party at Huntingdon, from whence he was invited by Lord Sandwich to Hinchingbroke, to partake, not only of the pleaſure of that place in common

with his Lordſhip's other viſitors, but alſo of that peculiar hoſpitality, good-ſence, and mirth, which conſtantly prevails where that nobleman preſides. It was here where the late Mr. Hackman firſt ſaw and became acquainted with the departed Miſs Reay, a lady of an elegant perſon, great ſweetneſs of manners, and of a remarkable judgment and execution in vocal and inſtrumental muſic. Frequently being in her company at his Lordſhip's houſe, where ſhe lived under his protection, ſhe impreſſed Mr. Hackman with the moſt tender and fond regard for her, which ſoon after ended in a mutual paſſion for each other. They indulged themſelves in their love as privately as poſſible for a conſiderable time, unknown to his Lordſhip, and convinced each other (particularly on his part) that all-powerful love was involuntary and unreſtrained, whatever prudence might dictate for the ſake of appearances. But after revelling in all its rites by ſtealth, the ſuſpicions of Lord Sandwich were ſet in motion. Omiah, the Otaheitean, who was under his Lordſhip's care, had frequently obſerved the familiarities of Mr. Hackman and Miſs Reay in his Lordſhip's abſence, when the lovers, as they thought, were alone and unnoticed, particularly as Omiah could only ſpeak by geſtures and ſigns. He however found means to expreſs to his Lord-

ſhip

ſhip what he had beheld; and his Lordſhip, much hurt by jealouſy, charged his favourite Miſs Reay with inconſtancy. Her heart was honeſt; ſhe confeſſed the accuſation, and promiſed to reform; but ſuch were her affections for Mr. Hackman, that they overcame her in favour of him, with whom ſhe had long ſecretly but periodically indulged, and compelled her to continue her intercourſe with him more cautiouſly than before. The ſatisfaction Mr. Hackman received of Miſs Reay ſo heightened his regard for her, contrary to what is commonly known in caſes of unlimited (though illicit) gratification, that he aſſured her nothing would complete his happineſs but marrying of her; and, ſenſible of the honour of ſuch a propoſal, as ſhe was before of his love, ſhe conſequently acquieſced in it, and deſired to ceaſe all further intercourſe with him until it was compleated. This they agreed to, and as he almoſt immediately after went to Ireland with his regiment, the marriage was ſuſpended till his return, and while he was there, they correſponded in the moſt affectionate manner by every poſt.

On his return to London he found Miſs Reay confidentially connected with Signora Galli, an Italian ſinger, who Lord S—— had engaged to teach her to ſing, and being cloſely watched by his Lordſhip, Mr. Hackman's acceſs to her was difficult

and perilous. He therefore effected it at great expence, by Signora Galli's means, who at length (whether under the management and direction of his Lordſhip, who wiſhed to break off the connexion at all events, or otherwiſe, we do not know) informed Mr. Hackman that all future viſits from him to Miſs Reay would be diſpenſed with, for that Lord S—— was too well acquainted with their amour to bear with it longer. That Miſs Reay was tired of him, and had reſolved to quit him for the ſake of another gentleman, who was much more dear to her.

Agitated by this ſort of language, and the interruption he found to his meeting Miſs Reay as before he was wont to do, the conflict of Mr. Hackman's mind appeared viſibly to his friends. For ſome time before the act for which he ſuffered, he was an altered man; while in the army he was agreeable, ſprightly, and affable; but on a ſudden he was melancholy, penſive, and grave, which, on his propoſing to take orders, was ſomewhat accounted for, becauſe it was concluded, among his family and acquaintance, that he had choſen a preferable profeſſion, in which he would be much more happy than another; and having been preſented with a living upon his entering into the church, he repeated his propoſals of marriage to Miſs Reay, and ſolici-

ted that it might be ſolemnized *, but as ſhe ceaſed to pay that regard to him ſhe had done before, or at leaſt appeared to do ſo, it is ſuppoſed his melancholy and miſery about her, originated on that occaſion, which, by continual brooding over encreaſed, and inflamed his wretched mind to that degree of violence and reſolution, which made him lament he had not diſpatched himſelf in the moment Miſs Reay fell, and ſighed her laſt by his hand.

For ten days before her death he was remarked to be unuſually unhappy, and on being queſtioned upon it, he replied that he regretted the death of Lady Hinchingbroke. On the day he ſhot Miſs Reay, (murdered her we will not ſay, for reaſons hereafter ſubmitted,) he dined with his ſiſter and brother-in-law, Mr. B—, an attorney, and his firſt couſin, who but five weeks before were married. When he left their company, he promiſed to return to ſupper; would we could ſay he kept his word! but his employ of the evening drenched himſelf with blood, and them with tears and anguiſh! As he himſelf related to the author of theſe dreary ſheets, he firſt went to the Admiralty, after he had left his ſiſter, where Lord S—— reſides, and there ſeeing his Lordſhip's coach, he concluded that Miſs Reay, who

* See the letter at the end.

who lived with his Lordſhip, was going out in it, and would probably call on Signora Galli at her lodgings in the Hay-Market. To be ſatisfied herein, he walked to the Cannon Coffee-houſe, Charing-Croſs, where he expected to ſee Miſs Reay paſs, and ſhe very ſoon paſſing by that way, he followed the carriage ſhe was in to Covent-Garden, and ſaw her and Signora Galli alight from it and go into the Theatre; he alſo went into the Theatre after them, and ſeeing a gentleman of genteel and handſome appearance (who ſince has been diſcovered to be Lord Coleraine,) ſpeak to her there, his watchful fondneſs, and dread of a rival in her eſteem, two powerfully perſuaded him, that love was an unlimited monarch, and that his Lordſhip, who addreſſed himſelf to Miſs Reay, and talked with her in the play-houſe, was the perſon who monopolized her affections, agreeably to the previous inſinuations of Signora Galli *.

In this moment, and not before, he meditated his death by ſuicide, and ſtarting from the Theatre in a ſtupor of mind, he determined to deſtroy himſelf, to which end as may be imagined in his ſtate of thought, under the dominion of oppoſite paſſions; gloomy, melancholy, and outrageous,

* A ſhort time before the death of Miſs Reay ſhe wrote Mr. Hackman a letter, entreating him not to think of marrying her, as they might be happier as they were. This letter he returned to her by Miſs Galli's hands, and a day or two before he ſhot Miſs Reay, he applied to Miſs Galli for that letter again.

at the injuries he had received, which exceed all human knowledge to explain, he quitted the Theatre, and furniſhed himſelf with a *brace** of piſtols, reſolving then to fall by his own hands, in the preſence of a woman, whoſe ſuppoſed infidelity had brought him to a miſery and deſpair not to be deſcribed by words. He returned to the Theatre, with his piſtols loaded, and when the play was over, he followed the object of his love and rage, in company with Signora Galli, and Lord Coleraine, whom he had taken for his rival, into the lobby of the houſe, where he intended, and endeavoured to ſhoot himſelf, but the croud preventing him, he kept Miſs Reay in view, until ſhe was under the Piaza, in her way to her coach, which was called for by the name of Lady Sandwich's coach. Here he a ſecond time attempted to kill himſelf, but a chairman running ſuddenly againſt him, who nearly puſhed him down, he recovered and purſued Miſs Reay to the door of her coach, in which Signora Galli was ſeated. It was not till he had beheld her face at this inſtant, that he thought of killing her, but then, alas! he ſaid himſelf, he concluded it would be beſt for both

* When Mr. Hackman was aſked why he had a brace of piſtols in his pocket, he ſaid, becauſe if one miſſed fire on himſelf he meant to uſe the other, which is a full anſwer to the objection, that he intended to uſe one againſt Miſs Reay when he furniſhed himſelf with them.

both to die together; he therefore took from his pocket with each hand a piſtol, and ſtepping between Miſs Reay (who had accepted a gentleman's arm, and who ſince appears to be Mr. Macnamara, a very reſpectable character of Lincoln's Inn) and her carriage, ſhe being on his right hand, he diſcharged his right hand piſtol at her firſt, and immediately after he alſo diſcharged his left hand piſtol at himſelf. He ſhot Miſs Reay through the head, who, lifting her hand to her face, fell and died on the ſpot; but finding himſelf alive after he had ſhot at himſelf, and fallen alſo with his feet cloſe to thoſe of Miſs Reay, he beat his head with the piſtol, and called out, kill me! kill me! Miſs Reay was then taken to the Shakeſpeare Tavern and Mr. Hackman with her, where the corpſe of the former was put in a ſeparate room, while Mr. Hackman's wounds were dreſſed in another. He then enquired after her, and being told he had killed her, he would not believe it, but ſaid, he was ſure ſhe was living, for that he only intended to kill himſelf.

In this condition, aud after he had freely told his name and who he was, he was committed to priſon, where, when he became calm and compoſed, he reflected on his crime, firſt in meditating and attempting to take away his own life, and afterwards, in the moment he was about to kill himſelf,

himſelf, to kill Miſs Reay, and remain her ſurvivor, contrary to his momentary intention of killing himſelf and her together.

It would be wrong to paſs over the great ſtrength of mind and compaſſion, with which Mr. Macnamara conducted himſelf in that ſudden and diſtreſſing moment, when Miſs Reay fell at his feet. The exploſion of the piſtol alarmed ſeveral gentlemen who were near him, and ſelf-preſervation inſtantly diſperſed them, whilſt Mr. Macnamara was left ſingly in a ſcene of horror, which he ſuſtained in a manner that will ever reflect an honour upon his character. During Mr. Hackman's confinement in Newgate, he was perfectly compoſed, and ſpoke of the name and memory of Miſs Reay with the higheſt rapture. He ſaid frequently to his friends and relations who viſited him there, that life, ſince that lady was gone, would to him be a cruel puniſhment, and that death could only relieve him from a world wherein he ſhould conſider himſelf loſt, ſince the only object that was dear to him was out of it, and whom he was thwarted in wholly poſſeſſing while in it. He declared he could have no ſatisfaction in life, and that in his circumſtances it would be a living death; for which reaſon he propoſed, and could not reconcile it to his conſcience, or what he ſuppoſed the truth, to plead on his arraignment Not Guilty to the

indictment of the murder of Miſs Reay. But when he was aſked whether he murdered her with malice aforethought, and was told that it would ſatisfy the public that his charge ſhould be eſtabliſhed by evidence and a tryal, he then conſented to put himſelf on God and his country, proteſting that he felt no trouble whatever but on account of his family, and the awful ceremony of a criminal tryal. And ſo ſatisfied with, and prepared for his diſſolution, was he, that before he was brought into court on his indictment, he ſent to the undertaker who buried Miſs Reay, and entreated to be ſatisfied from him that ſhe was decently interred: He told him he hoped ſoon to be laid near her, as a corpſe, for that his life was her's, and the laws of his country demanded it from him. By this manly and collected behaviour, impatient of death, compoſed and ready to meet it, but diſturbed by nothing but a reflexion that a ſiſter and mother were in miſery, while he was happier than they long before had known him; he gave ſome relief to his relations and friends who attended him, and thereby diſſipated that anguiſh from among them, which otherwiſe would have overcome them; and he having reſolved on a defence, they left him prepared to face his judge and jury as became himſelf, void of every wiſh or hope of an acquittal.

HIS

HIS TRYAL.

ON the morning of his tryal he eat a hearty breakfaſt in Newgate with his brother-in-law, and two of his friends, one of whom, at his requeſt, attended him into court, the other, and his brother-in-law, being too much concerned to do him that friendly but affecting office. He was much agitated on his arraignment; and though aſtoniſhingly overcome by his feelings while the witneſſes againſt him were giving their evidence of the deed he deplored, at the ſame time ſighing and weeping in the moſt heart-rending manner, his deportment was noble, and gained him the admiration of his judge and jury in the courſe of his tryal. The evidence for the proſecution being gone through, he was aſked whether he had any thing to ſay in his defence, when riſing from a chair which he was indulged with, and wiping a flood of tears from his eyes, he poured forth the moſt deep-fetched ſigh, and delivered the following ſpeech with all that energy of expreſſion, and in ſonorous, but faultering accents, which his peculiar feelings would allow.

"My Lord,

"I ſhould not have troubled the court with the examination of witneſſes to ſupport the charge againſt me, had I not thought that pleading guilty to the indictment would give an indication of contemning death, not ſuitable to my preſent condition, and would, in ſome meaſure, make me acceſſary to a ſecond peril of my life; and I likewiſe thought that the juſtice of my country ought to be ſatisfied, by ſuffering my offences to be proved, and the fact to be eſtabliſhed by evidence.

I ſtand here the moſt wretched of human beings! I confeſs myſelf criminal in a high degree; I acknowledge with ſhame and repentance that my determination againſt my own life was formal and complete. I proteſt, with that regard to truth which becomes my ſituation, that the will to deſtroy her who was ever dearer to me than life, was never mine, until a momentary phrenzy overcame me, and induced me to commit the deed I deplore.—The letter which I meant for my brother-in-law after my deceaſe, will have its due weight as to this point, with good men.

Before this dreadful act I truſt nothing will be found in the tenor of my life, which the common charity of mankind will not readily excuſe. I have

no

no wiſh to avoid the puniſhment which the laws of my country appoint for my crime; but being already too unhappy to feel a puniſhment in death, or a ſatisfaction in life, I ſubmit myſelf to the diſpoſal and judgment of Almighty God, and to the conſequences of this enquiry into my conduct and intention."

This ſpeech was the tranſcript of his heart. It was prepared for him from his own ſolemn words, and every ſentence he pronounced chilled his hearers into ſorrow and compaſſion. A very brilliant and crowded auditory were ſoftened into tears by it, and the court ſlowed equally with ſympathy upon it.

After he had ſpoken it, the letter it referred to, which was found in his pocket, at the Shakeſpear Tavern, was read in the following words.

"*My Dear Frederick,*

"WHEN this reaches you I ſhall be no more, but do not let my unhappy fate diſtreſs you too much. I have ſtrove againſt it as long as poſſible, but it now overpowers me. You know where my affections were placed; my having by ſome means or other loſt her's, (an idea which I could not ſupport) has driven me to madneſs. The world will condemn me, but your good heart will pity

pity me. God bleſs you, my dear Fred. would I had a ſum to leave you, to convince you of my great regard. You was my only friend. I have hid one circumſtance from you which gives me great pain: I owe Mr. Wright, of Goſport, one hundred pounds, for which he has the writings of my houſes; but I hope in God when they are ſold, and all other matters collected, there will be nearly enough to ſettle our account. May Almighty God bleſs you and yours, with comfort and happineſs, and may you ever be a ſtranger to the pangs I now feel. May heaven protect my beloved woman, and forgive this act which alone could relieve me from a world of miſery I have long endured. Oh! if it ſhould be in your power to do her any act of friendſhip, remember your faithful friend,

J. HACKMAN."

By this letter it appeared, that although it expreſſed only an intention to deſtroy himſelf, and recommended his brother to aſſiſt Miſs Reay, who at the time he writ it, he expected would ſurvive him, and therefore he could not deliberately intend to kill; yet, as it proved a felonious intent againſt himſelf, and was written with that calmneſs which gave no indication of inſanity in him, ſuch felonious intent, though he failed

failed in the execution of it, was a ſufficient teſtimony to conſtitute the killing Miſs Reay murder, notwithſtanding it might be true that he never meant to kill her till the very moment he ſhot her; and the Judge ſumming up the evidence with remarks to this effect, but much more fully, and in a manner that did equal honour to his heart as a man, and his abilities as a Judge, he Jury pronounced Mr. Hackman guilty.—Sentence of death was then paſſed upon him in the uſual form of words, and he left the Court (in company of his friend who attended him into it) with fortitude, dignity, and reſpect.

When he returned to his apartment in Newgate, he appeared much more eaſy than he had been before his trial; he told his friend, that the only painful part of his time was over, and that he was rejoiced to think how ſhort a time he had to live.

On the day appointed for his departure, his behaviour was uniform and compleat; he ſmiled at death as a redeemer from the moſt excruciating reflections, and embraced it with reſignation and piety, not with the horrors attendant on a ſavage aſſaſſin when about to receive the due of his deſerts, but with the compoſure and anxiety of a man who had ſurvived every thing that was near

and dear to him, in the loſs (though by his own hands) of the woman he adored and loved to a degree of rage, deſpair, and madneſs!

As he is now no more, let the ſoft tear of pity and compaſſion for a departed fellow-creature, who, as he certainly was no more, we hope will not appear to have been leſs than man, weak, imperfect, and fallible! flow from all generous and charitable readers when they revive his name. He will, undoubtedly, be remembered with regret by them, and they will reſcue his memory from the mangling and unhallowed tongues of men hardened in heart, and unenlightened by reaſon, or wiſdom in their opinions of what they do not underſtand. His caſe was ſingular, and as he has paid the rigid ſatisfaction of death for death, a ſatisfaction to himſelf as well as to the community whoſe laws he had violated; it is to be hoped, that whenever he be remembered or ſpoken of, it will be with tenderneſs and mercy, and not with that abhorrence which the beſt of minds aſſociates and feels on the recollection of a *barbarous* murder, perpetrated in *cruelty*, and aggravated by a *deliberate* previous intention, with deliberate *malice afore-thought*.

His CHARACTER.

NATURE, which ſhews herſelf in great variety in her various works, formed the mind of Mr. Hackman for tenderneſs and humanity. On the early dawnings of reaſon upon it, he was mild in his diſpoſition, humble in his behaviour, dutiful to his indulgent parents, and reſpectful to his fond relations: But when education enlightened it, ſuch was his whole conduct, that while it procured him the approbation of his acquaintance, it commanded the love of his family. Soft and ductile was his temper, which he ſuited to the temper of others. His manners were ſoothing, and his heart was benevolent; his mind was capacious, and altho' his education was moderate, it was ſufficient to make him know himſelf, and paſs agreeably in company. He was ſenſible, without pride; witty, without ſeverity; eaſy and polite, without affectation, and with the utmoſt ſincerity. He had a hand open as day for melting charity, and a tear for pity. In him the cardinal virtues contended for a preference, but united with equal force they ſhone in him without diſtinction. As a man, he was every thing that teſtified the dignity of human nature. As a gentleman, his perſon

was

was handſome, his deportment elegant, his addreſs engaging: He was graceful in delivery, and perſuaſive in his oratory: His life was a comment on his doctrine; it was chriſtian and religious without enthuſiaſm, and altogether ſuch as did honour to his Maker, while it reflected the utmoſt pleaſure and ſatisfaction on all who knew him. As an officer he was univerſally eſteemed, and as a clergyman beloved.—This was the man, for we knew him well! Would we could exult with equal joy at the conſequence of his love! That he was a lover, his martyrdom denounces, and proves that his love was ſincere. He was a ſlave to its influence, and ſought a cure in death, when a ſuppoſed contempt from her, on whoſe account he had long been miſerable, robbed him of his reaſon, and in his phrenzy compelled him to execute that deed, which, peculiar as it was, will be remembered with compaſſion, not remorſe; with pity, not abhorrence; with charity, not indifference; and whenever we think of the man we ſhall exclaim —Alas! poor Hackman!

Commentary on his Conviction.

IN Mr. Hackman's ſpeech on his trial, (which was complimented by Judge Blackſtone in his direction to the Jury) he ſaid, "he confeſſed himſelf *criminal in a high degree.*" The expreſſion is forcible, and as it poſſibly conveyed ſomething more than the hearers of it comprehended, it may be proper to explain it on the preſent occaſion. Had he ſubſtituted the word *guilty* inſtead of *criminal*, he ſuſpected it would be ſaying more than was juſtified in truth, by acknowledging that he was guilty of the whole indictment on which he was arraigned, which, as in all caſes of murder, charges the party indicted with killing a perſon from an *evil intention, and of malice aforethought*; for, without thoſe words an indictment for murder would be inſufficient and incomplete, as mere killing is not murder, without it be done by a previous intention and malice, either *expreſſed* or *implied*, which is the grand criterion, whereby murder is now diſtinguiſhed from other killing. It is the wickedneſs and malignity of the heart which raiſes the crime of murder, and not ſimply the act which kills; and from ſuch wickedneſs and malignity of heart, teſtified by the ſubſequent act of him who kills, the law determines

on the malice *prepenſe*, called the *malitia præcogitata*, expreſs or implied. Expreſs when a man deliberately, and from a pre-concerted deſign kills another, which appears by external circumſtances diſcovering an inward intention, ſuch as laying in wait, antecedent menaces, former grudges, and ſettled ſchemes to do a man ſome bodily harm; this takes in the caſe of deliberate duelling, where the parties meet with *an intent* to kill, thinking it their duty to protect their honour, and make their ſword its only guardian, without authority from any power, human or divine, and in direct contradiction of the laws of God and man. In ſhort, without enumerating the particular inſtances of murder with malice *prepenſe and expreſs*, it is enough that we ſay that all killing proceeding from a bad heart is equivalent to a deliberate act of ſlaughter, which is equally criminal on a particular perſon, as on mankind in general, from the evil intended before-hand.

Implied malice is the conſideration of the law, as in the caſe of poiſon, where the ſecrecy of the killing gives no opportunity of judging on a previous intent; or where one man ſuddenly kills another, without a violent provocation, ſince no perſon, unleſs from a bad heart, would be guilty of ſuch an act on a ſlight cauſe. It is therefore the felonious intent in general, whether againſt the life

life of one man, or all men, that conſtitutes the crime of murder: as, for example; If I ſhoot at you, intending your death, and miſſing you I kill a third perſon, againſt whom I had no ſuch intent, this is murder, becauſe of my previous felonious intent againſt you, which the law deems alſo a felonious intent againſt all men. All homicide therefore is wilful murder, which is not juſtified by the permiſſion of the law, as in the caſe of an officer in the execution of his office, for the prevention of an atrocious crime. Excuſable by ſelf-defence, on a principal of ſelf-preſervation, ſoftened into manſlaughter, which, if involuntary, ariſes from the ſudden heat of the paſſions, or if voluntary of ſome act not lawful, which it is the criminal's buſineſs to prove, ſince all homicide is taken to be malicious, until the contrary be proved.

This leads us to the crime for which Mr. Hackman was convicted, and for which he ſuffered. If we can believe him, and the account given by Mary Anderſon, the orange-woman, who ſwore on his tryal to the particular manner in which he ſhot Miſs Reay, it is very clear that he did not kill her with an *expreſs* or previous intention, but from a momentary phrenzy, which overpowered him, after he had reſolved to deſtroy himſelf *only*; but as it appeared that his intention againſt his own life was, as he ſaid himſelf in his ſpeech, from,

and complete, he was to all intents and purpoſes, legally ſpeaking, at the time he attempted to execute it, in a felonious action and diſpoſition of mind; his therefore (almoſt at the ſame inſtant) ſhooting at and killing Miſs Reay, was rigidly murder *quo animo*, though unaccompanied with that deliberation, or previous external circumſtances, which otherwiſe would have rendered it murder with malice expreſs.

Indeed, as Mr. Hackman twice endeavoured to kill himſelf, once in the lobby of the play-houſe, and then in the piaza of Covent-Garden, in both which places he was in a concourſe of people, ſuch was his felonious intent, though only againſt *himſelf*, that had he fired his piſtol, and miſſing himſelf had ſhot *a ſtranger* among the crowd he was ſo in, it would have been murder with malice implied, if it could have been proved that he diſcharged the piſtol at himſelf; for it is the previous evil intention and felonious act that raiſes the *implication of* malice, which the law transfers from one to another.

Conſidering, however, the cauſe of Mr. Hackman's miſerable ſtate of mind, occaſioned by the imagined infidelity of Miſs Reay towards him, which made him, on the apprehenſion that he beheld a rival in Lord Coleraine, determine to deſtroy himſelf; we are obliged to join him, by ſaying

ing that it was a momentary phrenzy only, which induced him to commit the deed he deplored, but which, from the avowed intention againſt his own life at the time, was ſufficient for the law to conſtrue it into an *implied malice*, to kill; though that malice only exiſted for a moment. On this principle of law and reaſon he was convicted; but as he was found guilty of murder by malice implied and not expreſſed, he deſerves not to be claſſed among common aſſaſſins or murderers, becauſe he neither ſtudied the death of Miſs Reay, but *for the moment*, nor did he break into her chamber in the dead of night, cut her throat while aſleep, or rob her cabinet afterwards. His crime, therefore, is almoſt unparalleled; he has fallen a ſacrifice to love and an unguarded moment, when reaſon driven from his mind gave way to deſperation, and madly forced him to a deed, which he not only deplored, but for which he has forfeited his life according to law.

Had Mr. Hackman committed ſuicide only, a jury on the fact would on their oaths have found it to have been an act of lunacy; and if ſuicide be an act of lunacy, all the conſequences in attempting to commit it proceeded from it, whatever they may be; from whence it is not unreaſonable to infer, at leaſt by way of hypotheſis, that if Mr. Hackman's endeavour to kill himſelf, though unſuc-

ſucceſsfully, were the effect of lunacy, in that caſe, whatever he did at the ſame time, and under the ſame ſtate of mind, proceeded from the ſame cauſe, and could be no more wilful murder of another than himſelf. But if the *comitas* or favour of the law diſpenſes with a coroner's jury finding ſuicide lunacy, (becauſe there can be no puniſhment of the felonious intent which a man who commits it had againſt himſelf) it may be contended that when he kills another in the ſame inſtant, the felonious previous intent againſt himſelf ſhall remove the idea of lunacy in him in regard to ſuch act againſt another, although if he completed it on himſelf he would only be found a lunatic; ſo that he would be found ſane in the one caſe, and inſane in the other. Suppoſe then (as Mr. Hackman intended) a man, after he had ſtudied his own death, and in the moment he attempted to take it away he not only accompliſhed it, but killed another with him—what would have been his crime then? Would it have been leſs an act of lunacy? or would it have been lunacy in regard to himſelf, and murder with regard to the perſon he killed with him? If in ſuch caſe he were found *felo de ſe*, and a murderer, he being himſelf murdered by his own hands, he muſt have been found *compos mentis* when he gave himſelf the mortal ſtroke, which he would not have been had

had he only killed himſelf. Any diſtinction as to him would be immaterial, and he would be incapable of making any reparation, either as a public expiation, or by the forfeiture of life, becauſe he would be out of the reach of puniſhment. It is true that a puniſhment might be viſited on his family and heir, by forfeiting his goods and chattels as a *felo de ſe*, and his real eſtates as *a murderer*, according to the feodal ſyſtem; but if the law ſuffers him to be found a lunatic in ſuicide only, whereby the forfeiture of *perſonals* is ſaved, why, if he kills in the ſame moment a ſecond perſon with himſelf, ſhall that favour of the law be ſuſpended, and the puniſhment doubled to his family and heirs by a forfeiture of his *lands alſo?*

This ſeems to require explanation, and appears unreaſonable, notwithſtanding the leſſer crime on himſelf may merge or ſink in the greater he had firſt committed on another, ſince it is almoſt impoſſible that a man ſhould value his own life ſo little, *if in his ſenſes*, as to deſtroy it with the life of another. On this point the law is altogether ſilent, and can only make him a *felo de ſe* and a murderer, to the injury of the heir, withont doing any thing elſe, as a terror to deter others from becoming the ſame ſort of criminals, which, in reality, as the puniſhment falls upon the innocent,

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can be no terror at all; for what is it to me that the innocent have been puniſhed, when I am about to kill myſelf and another perſon with me? My own death deprives me of puniſhment, and whether I am found a *felo de ſe* and a murderer, or otherwiſe, is immaterial to me, and the forfeitures of all my eſtates is a *puniſhment only* to thoſe who have nought to do with *my guilt*, except on the foedal principle. Hence, if Mr. Hackman had killed himſelf when he killed Miſs Reay, that act of lunacy which would have been found againſt him, had he fallen alone, ought alſo to be found in the killing Miſs Reay; particularly ſo, if it be admitted that the intention and act againſt himſelf would ſingly have been found lunacy. If ſo, did his ill ſucceſs againſt hmſelf, and his ſurviving her, diſtinguiſh him into a murderer? If it did, there is a contradiction, becauſe, had he not ſurvived her, he might have been found a lunatic. He might, as he ſaid himſelf, have been in a momentary phrenzy, and become reaſonable after he found himſelf alive. But as he did ſurvive Miſs Reay, the law only did that by him, which he failed in executing on himſelf, with this difference —the law killed him in a ſtate of reaſon; whereas had he killed himſelf, it would have been found to be the reſult of lunacy, and as ſuch more preferable.

However juſt the cauſe in reſpect to ſuicide, *it* is agreed that the fear of that ſomething we all are ignorant of, makes us cowards; but in what ſenſe? Not to make us dread death as an evil, but to prevent our taking that away we cannot give—LIFE!—Shakeſpear, nevertheleſs, in a ſpeech of Conſtance in his play of King John, makes that afflicted lady ſay,

" My *reaſonable* part produces *reaſon*
" How I may be delivered of theſe woes,
" And *teaches me to kill or hang myſelf.*"

But we may reaſonably ſuppoſe that Shakeſpear never intended to ſay that reaſon pointed out ſuicide as a remedy for affliction. The law of ſociety formerly treated the remains of a *felo de ſe*, or one who commits felony on himſelf, with an ignominy in the form of his burial, and viſited his ſin on his ſon, or the next of kin, by a confiſcation of his perſonal eſtate, and this for the ſuppoſed benefit of ſociety, which was thought to be injured by the loſs of a member, beſides the ſin of it againſt God, and not as a *living* puniſhment of a *dead* man, who perhaps had committed no crime in killing himſelf, becauſe *inſane* at the time. But experience has altered this practice, and law and reaſon now concur in finding ſuicide to be an act of lunacy, which ſtrikes ſeverely againſt that pretended philoſophy which ſome men have aſſerted as a juſtifica-

tion of ſuicide; yet, as the action itſelf tends to prove that the party who commits it renounced the world and thoſe miſeries which therein he was the only author of; or for diſappointments which he wanted virtue to diſpenſe with, he of courſe wanted alſo that wiſdom, reaſon, and true philoſophy which teaches us, *vix ea noſtra voco.* The law, therefore, ſupported by reaſon, determines that ſuicide is an act of lunacy (another term for cowardice) and that he who commits it was void of reaſon and philoſophy at the time.

From theſe premiſes it may be concluded without abſurdity, that if Mr. Hackman would have been found a lunatic in killing himſelf ſingly, rigidly ſpeaking he was not leſs ſo in killing Miſs Reay, and this for the reaſons, (if they are reaſons) already given and ſubmitted, which, in his lifetime, lead us to lament that he did not ſucceed in the attempt againſt his own life, as he fatally did againſt the life of Miſs Reay.

And thus finiſhes our commentary on his crime and conviction, which, if properly conſidered, will be ſpoken of with great delicacy, and at moſt as murder ſimply from malice rigidly implied, without barbarity, aggravation, or other offenc as is almoſt always the caſe in murder, wilfully and deliberately committed, accompanied with the felonies of burglary and robbery.

CONCLUSION.

MELANCHOLY, ſingular, and unfortunate, as the caſe of Mr. Hackman appears, thoſe who knew him will derive a conſolation in his fate, from its peculiarity, and the firmneſs of his conduct under all its circumſtances, which was reſolute, but devout, manly, but not bold, and altogether conſiſtent with himſelf.

If all virtues have their attendant vices, or every virtue verges on a particular vice, as ſome perſons have pretended, we may infer that Mr. Hackman's unbounded paſſion for Miſs Reay was a kind of virtue (if there be any virtue in love) which hurried him, when born down by diſappointment, ingratitude, and inconſtancy, to the vice that concluded his unconquerable miſery, while either himſelf or Miſs Reay were living. If his love for her were a virtue, the deſtroying of her was its conſequent vice, which, as he ſurvived her to reflect upon, raiſed his anxiety ſtill more to follow her. An ample proof that in love there is as little philoſophy as reaſon; either of which will teach us to overcome the licentiouſneſs of paſſion, and reſtrain us from violence.

While we lament the fate of Mr. Hackman, we cannot but feel for the noble Earl to whoſe

politeneſs he owed his firſt knowledge of Miſs Reay. Lord S———, whatever may be his follies as a man, his conduct as a miniſter, or inſincerity as a friend, according to the libellous fame of newſpapers, and thoſe who do not know him, is a character ſuperior to malevolence, but ſubject in common with human beings, to the unhappineſs natural on the loſs of one he eſteemed, which is provoked the more by the manner in which that loſs was occaſioned, and by the death of him who was the author of it. We muſt, therefore, determine on his Lordſhip's anguiſh, as a man, by what our own might be in a ſimilar ſituation with him. There are living pledges of his love of Miſs Reay, and every time he thinks of, or looks on them, their ſlaughtered mother will be preſented to his mind with the moſt agonizing pain; they will harrow up a recollection of her death, and ſhe will never be remembered but with ſorrow and regret; and though convinced of the connexion ſhe had formed with the much-to-be-pitied Hackman, and the indulgencies ſhe had therein with him, his Lordſhip will, from his wiſdom and philoſophy, drop a tear, as well for the man who became a victim to love, as for the woman his Lordſhip loved himſelf!

They are both paſſed that bourn from whence no traveller returns! Let us then draw a veil over

over them, and leave them to the great God of mercy, to whom all hearts are open, and ſtifle the further mention of their names. Common charity now demands this from us; and with every commiſeration for Lord S———, with whom we cordially ſympathize in his preſent condition, we cloſe this dreary hiſtory of the unfortunate Hackman, and his acquaintance, connexion with, and death of Miſs Reay, as alſo his conduct thereon, which, peculiar as it in reality is, we hope will be read with compaſſion and liberality, independent of prejudice or partiality.

Letter from Mr. *Hackman* to Miſs *Reay*,

Written to her after he had taken Orders, and which, with one other, (a copy whereof is now in the hands of his brother-in-law) is the only one he did not cancel; ſuch being the ſecrecy of his correſpondence with that lady, that, by mutual agreement, they deſtroyed all letters between them on their receipt and peruſal.

" *My deareſt Life!*

" I never think of you but with a pleaſing pain, the conſequence of that love of which, I hope, I have

have given you every proof in my power. I never bring you to my recollection (which I almoſt continually do) but with inexpreſſible anxiety; yet, while I know you are not wholly mine, ſo great is my miſery, that I cannot expreſs it; which, added to the difficulty in which, at beſt, we have accompliſhed our meetings at Marybone, and other places, and the obſtacle of Lord S——— between us, almoſt diſtracts me. You know my ſufferings on your account are far from trifling! When therefore will you relieve them, and make that time happy, which you only have hitherto rendered irkſome and anxious to me? Having quitted the army by your advice, I am now wedded to the church, have lately been preſented to a living in Norfolk, and require nothing now to complete my happineſs, but to be wedded to you. In your own dear words, let us now be one. I know you have children, and I love them, becauſe you are their mother. As the youngeſt is your particular favourite, and indulged by maternal fondneſs, I ſhall rejoice to have it with me when we are married. I know you are not fond of the follies and vanities of the town. How tranquil and agreeably, and with what uninterrupted felicity, unlike to any thing we have yet enjoyed, ſhall we then wear our time away together on my living, and my eſtate at Goſport! we ſhall have

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near 200*l.* a year from the one, and 100*l.* a year from the other, which will be enough for us in a country life. And by all the vows you have made me, and by that ſtolen bliſs we have known, I do now aſſure you, that dear as you are to me, and although parent of ſeveral children by Lord S———, if you are faithleſs enough to forſake me, and not embrace my offer, you'll feel for the deſpair it may occaſion, when, perhaps, it will not be in my power to repeat that offer to you. O! thou dearer to me than life, becauſe that life is thine! think of me and pity me. I have long been devoted to you; and your's, as I am, I hope either to die, or ſoon to be your's in marriage. For God's ſake let me hear from you; and, as you love me, keep me no longer in ſuſpenſe, ſince nothing can relieve me but death or you.—Adieu!

Your moſt humble

And affectionate ſervant.

Mr. Hackman's affection for Miſs Reay breathed throughout this letter is remarkable; and however imprudent, weak, or reprehenſible he may appear for it, in a moral ſenſe, it is perfectly natural. It might have been otherwiſe with ſome men, who, reflecting on Miſs Reay's condition and character in life, would very pro-

bably have conſidered marriage with her as a depravity, and therefore have avoided it on principle, however they might have ſhared in her favour, either with Lord S———, or any other perſon. But if it be recollected that Mr. Hackman was little more than nineteen when he firſt became acquainted with her; that he was a youth particularly baſhful in his behaviour, we cannot ſuppoſe that in the houſe of a nobleman he made any advances to that nobleman's miſtreſs, who was near eleven years older than himſelf. The very contrary appears moſt conſiſtent; and we may appeal to thoſe who have really loved, to determine whether Mr. Hackman's paſſion for Miſs Reay [notwithſtanding their undoubted intercourſe] was improper or not. It might be imprudent, and a marriage with her might have been impolitic and unwiſe, but *imprudence*, *impolicy*, and *folly*, are powerful ingredients in love, which diſdains the colder conſiderations of lucre, rank, and fortune; and although there are not many inſtances where a man's love is accumulated inſtead of abated by gratification, it does not admit of a doubt but that Mr. Hackman's love of Miſs Reay, with all its conſequences, was an ample proof of the poſſibility that it may be ſo.

In

In the courſe of Mr. Hackman's impriſonment he received many anonymous letters, among which was one from Miſs G——, as he concluded himſelf by the writing. It was very laconic and in the following words:—" O! Mr. Hackman! for God's ſake die in the Roman Catholick faith."

He received another letter in a woman's hand, which he knew nothing of. The contents were remarkable, and ſeemed to prove that love may, and frequently does, ſecretly devour thoſe it influences by its flames.

It purported that the fair writer had long privately loved him, though unknown; that her love was hopeleſs, becauſe ſhe was poor, without beauty, and had nothing but her birth, education, a little ſenſe, a good heart, and many misfortunes to boaſt of. That the country was curſed for counting heroic actions, dictated by love romantic. That ſhe was ready to die ſo worth in him, that his approaching death would break her heart; and then concluded with her prayers for his eternal happineſs with her, for whom he was going to ſuffer.

Mr. Hackman received many more letters, replete of divine, not of human love, from thoſe charitable and ſuperabundant good chriſtians

called methodiſts, who, negligent of themſelves, affect the higheſt concern for the future welfare of others. Theſe letters were committed to the flames without reading them throughout. It is a pity that ſuch ſort of people ſhould not have ſome better employ than that of obtruding their nonſenſe on the ſick and the wretched. They call themſelves comforters, but the hour of death either naturally or ignominiouſly, is not the time when they ſhould ſeek to adminiſter it. Such however is their folly, that fearful of their ill ſucceſs on the healthy and fortunate, who abhor their ignorance and hypocriſy, they ſearch out fellow-creatures in their laſt moments, in hopes of converting them over to the *true faith*. Bedlam is the place for ſuch men to rave in, rather than the chamber of an invalid, or the apartments a condemned priſoner.

A Letter

A Letter to Lord S——.

" *My Lord,*

" IMPELLED by feelings which operate equally with what your Lordſhip ſuffers, and the unparalleled misfortune of the young man whoſe life has atoned for his offence, I wiſh it were in my power to ſtart a thought that would afford your Lordſhip ſome moments of conſolalation.

I am certainy our Lordſhip's reſentment at, and abhorrence of, a momentary crime, is done away by your commiſeration, although that crime was of the higheſt nature.—It is evident that the black dye of intention was *deliberated* only againſt himſelf, although in the inſtant he attempted to execute it, he was urged to the deed which reaches your Lordſhip's heart.

As he and the object of his wretchedneſs are now no more, would it not tend to relieve your Lordſhip, were you to philoſophize on the particulars contained in the young man's Memoirs, and attribute his fate to the Author of Nature?

I mean no offence to religion, neither do I wiſh to promote evil; but as evil is indefineable,

and it has exceeded the power of human knowledge to diſtinguiſh whether any thing in nature be ſo of itſelf, it may be ſome relief to your Lordſhip, if you will reflect metaphyſically on what has happened, and conclude that every thing which happens, has ariſen from unavoidable neceſſity.—Habit and the common prejudices of education may make it difficult in your Lordſhip to do this; but your learning and good ſenſe, if exerted at this time, when moſt you ſtand in need of them, together with the buſy as well as convivial ſcenes you are in, I am in hopes will go a great way towards reconciling you to that fate, which is not in the power of your Lordſhip to alter.

If this language ſhould ſatisfy your Lordſhip of the goodneſs of my heart towards you, I ſhall think myſelf well rewarded for the liberty I take in intruding it upon you——I ſhould ejoice if it anſwered my purpoſe; and am, with all true concern,

Your Lordſhip's obedient Servant,

The AUTHOR."

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POSTSCRIPT.

IN a word—As there ſeems to be a difficulty with the public in determining on the cauſe of Mr. Hackman's conduct by Miſs Reay, that difficulty may very well be ſolved, if we believe that his love, which in ſome reſpect he had gratified, raiſed his pride, and that his pride, on the ſuppoſed loſs of her affections, drove him to madneſs, as he ſays himſelf, in his letter to his brother-in-law. That madneſs therefore was the only cauſe, although it was not of a nature that the law could diſtinguiſh the effect from murder. If the cauſe were any other, woe to the fair ſex when Cupid is allowed to wield the bolts of Jove! It is true that unrequited love has often been fatal to the unſucceſsful party, but not till ſlight, indignation, or open preference of another had turned it into jealouſy and hatred. Mr. Hackman might have diſpoſed of himſelf, if he could not live without Miſs Reay; while killing her, and depriving another of her in cool blood, would have been malicious indeed! but his diſappointment and pride raiſed his jealouſy and hatred, which ending in inſanity, drove him to the deed be committed on Miſs Reay. In this ſenſe he merits all our pity, and though dead, will be acquitted of that murder which the law rigidly condemned him for.

It has been ſaid that in Mr. Hackman's paſſion for Miſs Reay there was an extreme indelicacy, which could paſs over the idea of that lady's having been under a very long perſonal attachment to another. But there is a great doubt whether the idea of ſuch indelicacy could be raiſed in the mind of him who is ruled by the amorous paſſion. It certainly may be with thoſe who are not ſo ruled, which makes

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it merely a matter of opinion, becauſe what may ſtrike one as an indelicacy, may be thought laudable in another. A boy when firſt he feels the influence of love, is ſo delicate that he reſolves never to marry a widow; why? but becauſe ſhe has been poſſeſſed by another; but experience convinces him of the indelicacy, or falſe delicacy of ſuch reſolution. In fact, indelicacy ought not to be attributed to a natural paſſion, and that Mr. Hackman's was ſo by Miſs Reay, muſt be admitted on all ſides. To call it therefore indelicate, is to decide by our own cold feelings on the warm feelings of thoſe who labour under it. Mr. Hackman's paſſion was an *unfortunate*, but not an *indelicate* one. It had nature for its guide, and until we can *reform* her *unerring* works, we muſt be content with all ſhe produces, and ceaſe, if poſſible, to murmur at the conſequences,

APPENDIX,

On the abuſe of the Preſs, and the effects of Public Offices of Juſtices of the Peace.

IF the liberty of the preſs be at all to be lamented, it is in the freedom of thoſe priners who, in caſes *de parte*, watch with avidity for what they call news, which they publiſh as ſpeedily as poſſible after they have collected it. In this (however good their intention) they often diſtreſs thoſe they mean to inform, and, by an imperfect ſtate of circumſtances, perplex the truth, and deceive their readers by miſrepreſentation. In nothing that occurs do they more miſtake what they collect or hear than in matters relating to the civil and criminal juriſprudence of this country; for, not being ſcientifically acquainted with either, they generally miſunderſtand what paſſes before them, and draw improper concluſions from it; conſequently what they thus haſtily and ignorantly publiſh, while it miſleads a ſtranger, it alſo gives pain to the particular party, and

uneaſineſs to thoſe who know him. It is this that leads us to complain, that after the apprehenſion of a ſuppoſed offender, his family, his friends and connexions ſhould be repreſented to the public, with a detail of his charge, before it be known how far that charge would be proved on a ſolemn and legal inveſtigation of facts, and on a traverſe before a judge and jury, whoſe duty it is to expound the law, and protect the party tried by it.

The rage of anticipation is created by popular curioſity, and when men are tired (as it were) with what they know, they grow reſtleſs and impatient for things in embryo. It is then that they catch with indiſcretion at the ſhadow of them, and deceive others in the ſubſtance.

But it is otherwiſe with thoſe men who profeſs the leaſt philoſophy. They take nothing for granted, nor do they depend on what they partially hear. They exclaim, *Audi alteram partem*, and never ſuffer themſelves to be impoſed upon by prejudice, nor drawn away by partiality, favour or affection. They are patient to hear the ſimple truth,

truth, and explore it in all her receſſes; and when ſhe appears to them, pity takes place of vengeance in their minds, and they ſigh at the fallibility of human nature. When a fellow-creature is criminally charged, they diſdain to judge him without a hearing. They neither try him without a jury, nor condemn him without a tryal! How different the reverſe with the populace, who try, condemn and execute, on the evidence of their own weak conceptions, formed *prima facie*, and on a firſt impreſſion! It is this that has led us to poſſeſs the publick with the truth reſpecting the character and fate of the late unfortunate Mr. Hackman; and while we complain that crimes ought to be concealed until truly related, even printers will excuſe us, and call to their mind that they too often defeat their own purpoſes when moſt they endeavour to fulfil them. A man, by their unwary interference, may become the moſt worthleſs of beings, and ſecretly ſuffer a reproach and ignominy worſe than death itſelf, which he prefers the more in proportion to the impoſſibility of removing from the public the ſtains caſt on their

minds by an imperfect ſtate of his charge and condition.

All criminal offences are undoubtedly againſt the public peace and ſafety, but they ought to be fully and deliberately proved, before the perpetrators of them are expoſed either to public cenſure or compaſſion. A conſervator of the peace is *rather* a private character than a public one, and it is not his duty to keep an open houſe for the reception of the idle or curious, to watch his examinations of thoſe who may be criminally brought before him; but it has nevertheleſs, of late years, been the practice in this metropolis to convert the houſes of juſtices of the peace into public offices; and printers have thought proper to attend on what is called public days, for the examination of offenders, whoſe names, with all the circumſtances of their charge againſt them, they have exhibited to the public, directly after, without any conſideration how far that charge might be ſupported or done away on a legal defence and traverſe. The misfortune, therefore, is double to a man, who, at the inſtance, perhaps, of an ungrateful,

grateful, malicious woman, or a vindictive blood-thirſty man, ſhall be apprehended, and taken to ſuch an office; becauſe, innocent, as he may afterwards be found, his very apprehenſion, added to his arraignment, tho' acquitted either on the one or the other, is ſufficient ſet to the public againſt him; and his enemies (of whom the beſt of men are not without) will glory in the recollection that he was once ſeen in the public office of a juſtice of peace—once ſeen in the public newſpapers as a criminal, and once arraigned at a criminal bar.

The ſatisfaction in damages which a man ſo circumſtanced may be entitled to, on an honourable diſcharge from a malignant accuſation, may be, in ſome meaſure, an anſwer to theſe objections, and be thought enough to clear his character from all public imputation. It may probably be ſo with all good and liberal-minded men; but it will not be ſo with reſpect to the private and ill-natured opinions of the vulgar and illiterate, who compoſe by much the greater part of the community; in which an individual, by being ſingled out a prey for private vengeance

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to glut itſelf upon, is rendered thus obnoxious to ſcorn and deriſion, without deſerving either.

Public examinations, and a publication of them, may very likely have their utility, by guarding us againſt the loweſt and vileſt of offenders, who require to be made public, in order that others, who have ſuffered by them, may know of their apprehenſion, and bring them to juſtice; but every man comes not under this predicament. A man of family and fortune may be dragged to a public office on the oath of a perjur'd woman, for a rape. An honeſt tradeſman, on the intereſted oaths of his creditors, for a concealment of his property as a bankrupt; or a worthy and reſpectable character, for a crime againſt which his ſoul revolts, with a view to extortion; and from all which charges they may be (as hath frequently happened) reſpectively acquitted. How improper then is it, that in all the veſtiges of their proſecution they ſhould be bandied about in public newſpapers! by ſome condemned unheard; by others execrated; and pitied, but by few. Surely it is almoſt criminal

minal, that they ſhould be thus unfairly dealt by! It endangers the life of the innocent, by inflaming the minds of his peers, and ſpreading throughout his country the moſt dreadful prejudices againſt him. There are many inſtances of the ill effects of ſo unjuſt a procedure as that of ſitting in judgment on a ſuppoſed criminal, from partial accounts of the crime, before he is heard and tried. The caſe of the King and Miſs Blandy is particular in point, on whoſe arraignment the honorable judge who tried her, found it neceſſary to warn her jury, that as the public had been pre-determined on her caſe before her crime was proved, it was their duty to diveſt themſelves of every thing they had heard about the unhappy priſoner at the bar of their tribunal, and to attend to nothing but the evidence under his direction, *for and againſt her*.

Were the public to ſuffer reaſon to take place of paſſion, pity of reſentment, and humanity of vengeance, they would judge a fellow creature (however criminally charged) as they themſelves would in his caſe hope to be judged; and printers in particular

cular would, with fear and tenderneſs, be cautious what they publiſhed about him before his guilt or innocence were eſtabliſhed on his tryal. It would then be proper in them to inform the publick of his tryal and conſequences, as is the caſe with the ſhort-hand writers; but their previous interference foreſtalling the ſale of intelligence, from a ſeſſion-paper, and the arrogant conduct of juſtices of peace, who, in diſgrace of the law, make a trade of their commiſſions, if the reaſon already ſubmitted be ſubſtantial, is every way unworthy; often injurious; and always improper.

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